

SB 27 Mengden

DIGEST: This bill changes the name of the Texas Prosecutors Coordinating Council to the Prosecutor Council, changes the council's composition, and adds a new duty to its functions. It also changes the procedures for suspension or removal of a prosecuting attorney, provides for the appointment of a prosecuting attorney pro tempore, and authorizes the Legislature to appropriate funds from the Criminal Justice Planning Fund to the council.

REASONS FOR VETO: The veto does not imply that the Governor disapproved of the council and their work. The council was to be funded out of the Criminal Justice Planning Fund. Grants from this fund have traditionally been the prerogative of the Criminal Justice Council, which is appointed by the Governor. The Governor objected to the discretion of the Criminal Justice Council "being taken away a piece at a time."

REACTION: The veto made the Senator "mad." The Governor just didn't understand the bill. He signed a number of other bills letting the Legislature appropriate money out of the Criminal Justice Planning Fund. If he didn't like that particular section, he could have just vetoed the appropriation. Or, the problem could have been cleared up with a phone call and a promise to change that part of the bill later. The Governor's office didn't call Senator Mengden at any time to say there was a problem with the bill. The Governor then didn't have the courtesy to let him know the bill had been vetoed. The whole matter was handled very poorly.

SB 124 Doggett

DIGEST: This bill says that no state agency or political subdivision of the state may establish a maximum age under 70 or a minimum age over 18 for employment. The bill removes the exemptions for institutions of higher education and qualifies the exemption for law enforcement officials and firefighters, giving department heads authority to adopt uniform maximum and minimum ages. The bill, as amended in the House, says that a retired judge who continues as a judicial officer may not appear as an attorney in court while the judge is receiving retirement pay.

REASONS FOR VETO: The bill would allow a retired district judge to receive retirement pay one year and practice law the next by opting in and out of retirement. A person would have an unfair advantage in practicing before a bench he or she may have vacated only a few years before.

REACTION: This veto was a mistake. The House amendment relating to district judges, which was the reason for the Governor's veto, was actually removed in conference committee (Senate Journal, p.2049). The deletion was not recorded on the final copy of the bill which went to the Governor, however. The Governor has said that he would not object to similar

SB 124 continued

legislation in the Call for a special session if the provision regarding district judges is not included.

SB 164 Ogg

DIGEST: This bill would require plumbers working outside municipal limits in populous counties to be licensed. A criminal penalty (Class C misdemeanor) is established for hiring an unlicensed plumber, or committing any other violation of the plumbing license law. Citations for violations could be issued by state plumbing inspectors or, if the violation occurs within city limits, by city plumbing inspectors.

REASONS FOR VETO: This bill would allow a city plumbing inspector to issue a citation to a farmer who has done some plumbing work around his farm.

REACTION: The bill specifically states that a city inspector has jurisdiction only within the city which employs him. Furthermore, this bill does not change the portion of the present law which exempts anyone doing work on his/her own property.

This bill was badly needed in populous counties, where subdivisions are frequently built outside city limits. Counties don't have the authority to require plumbers to be licensed, and as a result, the plumbing in these subdivisions is frequently substandard. Bad plumbing not only adversely affects home buyers, but also people in surrounding areas who may suffer from contamination of water in nearby streams or rivers.

SB 166 Santiesteban

DIGEST: SB 166 amended the Texas Pawnshop Act to prohibit anyone from obtaining a pawnbroker's license who has been convicted or is under indictment for theft, fraud, forgery, or a crime of moral turpitude. This bill also required applicants for a license to have at least \$50,000 of assets available for the conduct of the business.

REASON FOR VETO: The Governor vetoed SB 166 because it did little more than protect existing pawnshops while severely restricting anyone else from entering the pawnshop business. It was anti-free enterprise, special interest legislation.

REACTION: The Governor's action was completely unnecessary. It failed to address the problem that there is no regulation of people who are not licensed as pawnbrokers, but nevertheless are engaged in the pawnshop business. If the bill had proven to be anti-free enterprise, any problems could have been worked out next session.